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AUG 29 2006

KRIEG DEVAULT LLP
ONE INDIANA SQUARE, SUITE 2800
INDIANAPOLIS IN 46204-2709

In re Application of:

PAFFORD, JOHN et al

Serial No.: 10/781,058

Filed: Feb. 18, 2004

Docket: 4002-3483

Title: BONE GRAFTS

:
:
: DECISION ON PETITION TO
: WITHDRAW FINALITY AS
: PREMATURE
:
:

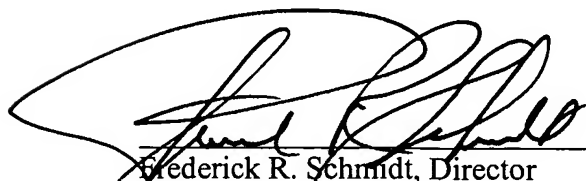
This is a decision on the petition filed on April 28, 2006 to withdraw the finality of the Office Action of Feb. 28, 2006.

The petition is **DISMISSED as moot.**

In the petition the applicant requested a withdrawal of the finality of the Office action on Feb. 28, 2006. In support of his petition, the applicant argues that the Sept. 6, 2005 amendment did not necessitate a final rejection. On June 27, 2006, the applicant filed an amendment after final and argued, *inter alia*, that the final rejection was premature. Subsequently, on July 31, 2006, the examiner agreed with the applicant's arguments, entered the amendment after final, withdrew the finality of the last Office action of Feb. 28, 2006 and issued a new non-final Office action.

In view of the history, the relief the applicant requested, namely the withdrawal of the finality of the Feb. 28, 2006 Office Action, has already occurred. Accordingly, the petition is dismissed as moot.

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program Examiner, at (571) 272-4856.



Frederick R. Schmidt, Director
Technology Center 3700